

ORDINANCE NO. CO14.18.01.18.E1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CEDAR PARK CODE OF ORDINANCES TO ADD CHAPTER 7, PERSONAL FINANCIAL DISCLOSURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Texas Local Government Code, Chapter 145, mandates personal financial disclosures for municipalities with a population of 100,000+; and

WHEREAS, the Council may preemptively adopt personal disclosure requirements until such time the population of Cedar Park reaches 100,000 and the Chapter 145 disclosure is mandated by State law; and

WHEREAS, the Council finds it in the interest of transparency to now adopt personal financial disclosure requirements for elected and appointed officers and candidates.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Cedar Park Code of Ordinances Chapter 7 Personal Financial Disclosures is hereby approved as provided in the attached Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

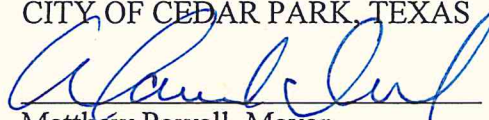
SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 19th day of December, 2017, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.


READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 11th day of January, 2018, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

PASSED AND APPROVED this the 11th day of January, 2018.


CITY OF CEDAR PARK, TEXAS

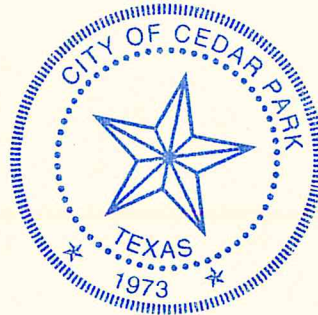

Matthew Powell, Mayor

ATTEST:


LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:


J.P. LeCompte, City Attorney



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CHAPTER 7
PERSONAL FINANCIAL DISCLOSURES

ARTICLE 7.01 PERSONAL FINANCIAL DISCLOSURES

Section 7.01.001 Definitions

- (1) "Candidate for municipal office" means any person who files for election or appointment to a position on the City Council, including the Mayor.
- (2) "Deliver" means transmitting by mail, personal delivery, or e-mail or any other means of electronic transfer pursuant to the City Secretary's Campaign Finance Filing Policy.
- (3) "Municipal officer" means the Mayor and any member of the City Council.

Section 7.01.002 Financial Statement Required

- (a) A municipal officer or a candidate for a municipal office filled by election shall file a financial statement as required by this Article.
- (b) The statement must:
 - (1) be filed with the City Secretary; and
 - (2) comply with Sections 572.022 and 572.023, Government Code.

Section 7.01.003 Filing Dates; Timeliness of Filing

- (a) A municipal officer or candidate for municipal office filled by election shall file the financial statement required by this Article by not later than March 1 of each year reflecting the officer's or candidate's financial situation as of December 31 of the previous year and financial activity between January 1 and December 31 of the previous year.
- (b) A candidate for municipal office filled by appointment shall file the financial statement required by this Article not later than the 10th day after the deadline for filing the application for the appointment.
- (c) A person is considered to have timely filed a financial statement under this Article if:
 - (1) the statement is personally delivered not later than 5 p.m. of the 5th day after the stated deadline for filing the statement; or
 - (2) the City Secretary has adopted rules and procedures to provide for the electronic filing of the statement and the statement is electronically filed in accordance with those rules and

procedures not later than midnight of the 5th day after the stated deadline for filing the statement.

(c) If the deadline for filing a statement under this Article falls on a Saturday, Sunday, or legal City, state or national holiday, then the deadline is extended to the next regular business day.

Section 7.01.004 Form of Statement

(a) The PFS-LOCAL Form designed by the Texas Ethics Commission under Chapter 572, Government Code, shall be used for filing the financial statement required under this Article.

(b) The City Secretary shall deliver at least one copy of the form and instruction guide to each municipal officer or candidate for a municipal office who is required to file under this Article not later than the 10th day before the deadline for filing the statement under Section 7.01.003. The City Secretary may choose one or more methods to deliver the form.

Section 7.01.005 Duplicate or Supplemental Statements

If a person has filed a financial statement under one provision of this Article covering the preceding calendar year, the person is not required to file a financial statement required under another provision of this Article covering that same year if, before the deadline for filing the statement under the other provision, the person notifies the City Secretary in writing that the person has already filed a financial statement under this Article covering that year.

Section 7.01.006 Public Access to Statements; Retention

(a) Financial statements filed under this Article are public records. The City Secretary shall maintain the statements in separate alphabetical files and in a manner that is accessible to the public during regular office hours.

(b) Until the first anniversary of the date a financial statement is filed, each time a person, other than the City Secretary or their employee who is acting on official business, requests to see the financial statement, the City Secretary shall place in the file a statement of the person's name and address, whom the person represents, and the date of the request. The City Secretary shall retain that statement in the file until the first anniversary of the date the requested financial statement is filed.

(c) The City Secretary may, and on notification from a former municipal officer or candidate for municipal office shall, destroy any financial statements filed by the officer or candidate after the second anniversary of the date the person ceases to be an officer or candidate, as applicable.

Section 7.01.007 Notification to Prosecuting Attorney

The City Secretary shall maintain a list of the municipal officers and candidates for municipal office required to file a financial statement under this Article. Not later than the 10th day after each applicable filing deadline, the City Secretary shall provide to the City Attorney a copy of the list showing for each municipal officer and candidate for municipal office:

- (1) whether the officer or candidate timely filed a financial statement as required by this Article; or
- (2) whether the officer or candidate did not timely file a financial statement as required by this Article.

Section 7.01.008 Offense; Criminal Penalty.

(a) A municipal officer or a candidate for municipal office commits an offense if the officer or candidate knowingly fails to file a financial statement as required by this Article.

(b) An offense under this Section is a Class C misdemeanor punishable subject to the general penalty provision in Section 1.01.009 of this Code.